

**BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE STATE OF IDAHO**

IN THE MATTER OF THE PETITION FOR	)	
DELIVERY CALL OF A&B IRRIGATION	)	
DISTRICT FOR THE DELIVERY OF GROUND	)	<b>ORDER AMENDING</b>
WATER AND FOR THE CREATION OF A	)	<b>HEARING SCHEDULE</b>
GROUND WATER MANAGEMENT AREA	)	
	)	
	)	

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On October 19, 2007, the Director of the Department of Water Resources ("Director" or "Department") issued a *Notice of Motion to Proceed filed by A&B Irrigation District; and Order Lifting Stay, Setting Hearing Schedule, and Appointing Hearing Officer* ("Scheduling Order"). The Scheduling Order appointed Gerald F. Schroeder as hearing officer and established pre-hearing deadlines, as well as a hearing date of March 18, 2008. The Scheduling Order provided: "The pre-hearing schedule, subject to any subsequent modification, shall govern unless the parties agree upon an acceptable alternate date for commencement of the hearing." *Scheduling Order* at 2.

A *Stipulation and Joint Motion to Amend Pre-Hearing Schedule* was filed by the A&B Irrigation District ("A&B") and the Idaho Power Company to adjust various pre-hearing dates, but keep the established hearing date of March 18, 2008. On November 30, 2007, the Idaho Ground Water Appropriators, Inc. ("IGWA") and the City of Pocatello ("City") filed a *Joint Response to Stipulated Motion to Amend Schedule* ("Joint Response"), which sought to either stay the matter in its entirety until the hearing officer issued his orders in the consolidated delivery calls by Blue Lakes Trout Farm and Clear Springs Foods, and the delivery call filed by the Surface Water Coalition. In the alternative, the Joint Response sought to amend the Scheduling Order. A hearing on the Joint Response was requested and noticed for December 20, 2007.

Attorneys for numerous parties appeared at the December 20, 2007 hearing in-person and by conference call. After the opportunity for argument and response, it was agreed that the Scheduling Order would be amended as follows:

January 30, 2008	Deadline to file petitions to challenge the Director's January 15, 2008 order regarding material injury to A&B;
February 28, 2008	Deadline for submitting expert reports; deadline for pre-filed direct testimony (required for retained consultants/optional for others), and all exhibits to be used at hearing with experts;

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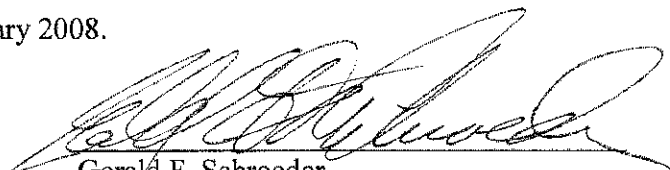
March 15, 2008	Deadline to disclose names, addresses, title and position, if any, and substance of testimony of lay witnesses, and all exhibits to be used at hearing with lay witnesses;
March 28, 2008	Deadline for rebuttal reports; deadline for pre-filed rebuttal testimony and all exhibits to be used in rebuttal;
April 15, 2008	Deadline for motions for summary judgment;
April 30, 2008	Discovery completed deadline;
May 5, 2008	Written opening brief/trial brief (if desired);
May 6, 2008	Pre-hearing conference and hearing on pre-hearing motions; and
May 13 to June 3, 2008	Hearing.

Interrogatories shall not be authorized without a written request from the parties and subsequent order from the hearing officer approving their use. IDAPA 37.01.01.521.

### **ORDER**

Based upon and consistent with the foregoing, IT IS HEREBY ORDERED that the previously established hearing schedule is amended and shall be as set forth above.

Dated this 8 day of January 2008.

  
Gerald F. Schroeder  
Hearing Officer

## CERTIFICATE OF SERVICE

I hereby certify that I served a true and correct copy of the following described document on the persons listed below by mailing in the United States mail, first class, with the correct postage affixed thereto on the 8<sup>th</sup> day of January 2008.

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